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December 1, 2003

Mr. Nathaniel Dennison
2468 Webb Avenue
Bronx, New York 10468

Re: U.S. Patent Application Serial No. 10/055,541
For: BUTTOCKREST PAD
Filed: January 23, 2002
Our Client Number: 50771.010100

Dear Nat:

We are now in receipt of a Final Office Action from the USPTO dated October 7, 2003. A response is due to this notice by **January 7, 2004**. Extensions of time are available for a fee for up to three months. If no response is filed by **April 7, 2004** this application will go abandoned.

I have not yet analyzed this Office Action. Should you wish to proceed in this application, please forward your check for $1,000.00 accompanied by your instructions to proceed in the analysis of and response to this Office Action upon receipt of this notice, but in all cases not later than **January 7, 2003**. Should you forward your instructions to us after January 7, but before February 7, please forward your check for $1055.00; between February 7 and March 7 for $1210; and between March 7 and April 7 for $1475.00 to cover the extensions fee due during those extension periods.

Should you wish to abandon this application, please give us your instructions in writing. We await your instructions and/or payment.

Very truly yours,

Eugene C. Rzucidlo

ECR/am
Enclosure
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03-12-04 Image 3673

03/10/04

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial No.: 10/055,541
Group Art Unit: 3673
Filed: 01/23/02
Examiner: Pham Luu

Supervisor
Heather Shackelford

Dear Heather Shackelford:

We are disputing the rejection of our application.

We are writing to you because both the attorney we hired and Pham Luu, have told us that the invention that we submitted has been rejected.

Pham Luu says that: "It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Taylor..."

This makes no sense to us because 18 different inventors have demonstrated, by the patents that they were awarded, to have had ample opportunity to apply this "OBVIOUS" rule used by Pham Luu to reject our application. Yet none of them have even come close to the two-phased mechanism that is the primary function of our unit.

On the "Notice of References Cited" sheet, six inventors—all dated post Taylor—never reached to the level of our units' capabilities, in any of the patents that were given them. And there is also listed six more patents issued to inventors who failed to meet the standards of our two-phased unit.

Then on the "Information Disclosure Citation" sheet, Pham Luu lists six more completely new people who had the opportunity to find Pham Luu's "obvious" path of progression that "obviously" extended from Taylor's invention; but they all have not lived up to Pham Luu's "obvious" expectations.

This begs the question: How "obvious" to others is Pham Luu's "obviousness"? It reminds one of Clinton's: "It all depends on what 'is', 'is'".

It's becoming "obvious" to us that Pham Luu's "obvious" path looks more like a ghost ship that is tossed about on the waves of confusion, lost in an ocean on a starless night, and battered by the winds of obscurity, just hoping to find a safe port to berth in, sometime, somewhere, somehow.

Well, our invention is not that port, hence, this letter to you, Supervisor Shackelford.

Our attorney, Eugene C. Rzucidlo, a retired Examiner of 23 years with USPTO, wrote to Pham Luu on 08/21/03, and protested that Taylor did not have "prior art" as it applied to our invention. Pham Luu answered with the curious reply of: that's "moot", then the whole invention was summarily rejected by Luu.

A friend of Elihu McMahon, co-inventor, named, Howard Williams, is also a retired USPTO Examiner of note.

Both of these men, relying on their considerable knowledge and experience, as well as Elihu McMahon, a scientist/inventor in his own right, agree that our unit is patentable because there is no "prior art" and this unit of ours is a two-phased operational device, like no other unit.

The decision to reject our application by Pham Luu was made in 10/07/03. Yet we were not informed until 12/01/03.

Why were we not informed two months earlier? Those lost two months have put us behind the eight-ball-of-time. We were informed that we needed to respond to the rejection notice by 01/07/04, in order to avoid incurring late fees.

Those lost two months made this time-frame impossible for us to cope with and still properly defend our position, for we had to conduct our own research before we could respond.

Now we are caught-up in the dilemma of having no funds to pay for any late charges that may be imposed by USPTO, due to our failure to reply within the time limits of your agency. But I submit that it appears that we were kept in the dark for two months and never knew of Pham Luu's October decision.

It would be easy to say it is our attorney's responsibility to keep us informed of the timelines involved. And that would be indisputably true; but what if he also was informed two month's late, by USPTO?

You see the possible conundrum that may exist, don't you?

That is why we have chosen to write to you, Supervisor Shackelford, for you are a person who is uninvolved but who has the authority to trace the movements of our application from submission to evaluation to rejection to informing the inventors.

We are asking you to reverse the decision of Pham Luu, to avoid the expense and the unpleasantness of an Official Inquiry and Hearing.

Enclosed please find copies of:

1. INFORMATION DISCLOSURE CITATION
2. Notices of References Cited
3. Letter of the Final Office Action from our attorney.

Thanking you in advance for the time and effort that you may expend on this matter, we remain

Respectfully Yours,

Nathaniel J. Dennison

Nathaniel Dennison
2468 Webb Ave.
Bronx, NY 10468-4873

03/11/04

Some Technical Aspects of our Device as noted by co-inventor, Elihu McMahon:

We respectfully request that the patent office review the merits of our application for the below stated reason(s):

The novel invention of our device is that it has a dual function.
None of the patents cited indicate the incorporation of this concept.
Thus it cannot be construed that this concept was obvious to the prior art cited.
Our device can be instantaneously switched from pressure-relief-mode to pressure-increase-mode. Thus, through the actions of our specially designed distributor, a rhythmic, undulating motion is affected on the object resting thereon, regardless of the mode in which the device is operating.
The speed and direction of the undulating effect can be varied at the point of its operation.
There is a calibrated regulator that controls the amplitude of the cells, which is integral to the distributor.
Although one device utilizes the mechanism of series-adjacent-channels, which effects our undulating motion, a more preferred configuration would be a series of circular interconnected cells, such as our device employs.
Why didn't Taylor amend his invention to meet the "obvious" status that Pham Luu claims exists, by eventually filing a "continuation in parts" application, or why did he not file an application for a new invention, altogether?
This would have certainly gone a long way towards fulfilling Pham Luu's claim of "obviousness".